

Brookline Neighborhood Conservation District Commission
MINUTES OF THE FEBRUARY 22, 2016 MEETING
Library (2nd Floor), Health Center, 333 Washington Street

Commissioners Present:

Stephen Chiumenti

Paul Bell

Robin Koocher

Dennis De Witt

Dick Garver

David King

Commissioners Absent:

Mark Allen

Deborah Goldberg

Staff: Marissa Barrett, Meghan Hanrahan Richard

Members of the Public: No one from the public is present.

Mr. Bell called the meeting to order at 7:00pm.

- 1. Approval of Minutes:** No minutes submitted for approval.
- 2. Replacement of two Alternate Members:** Mr. Bell inquired if any progress had been made in finding alternate members for the commission.

Mr. Allen still needs to go through the formal process to complete his transfer from serving as an alternate member to a permanent member. The staff commented that they will check on the status.

There is still a need to find three alternate members. After discussion, the commission agreed that a multipronged approach to find new members would be best. They will explore outreach ideas such as postcards, online resources and potentially utilizing the street captains as a resource.

Mr. Garver motioned to send out a postcard looking for alternates for the commission, Mr. Bell seconded, and the commission:

VOTED unanimously to send out a postcard.

6-0 Vote

- 3. Status on Greater Toxteth Property Inventory:** The staff informed the commission they are still working on the property inventory.
- 4. Discussion on General Guidelines:**
After the commission discussed examples and comments that were shared regarding the language of the General Guidelines, they identified two areas they would like to focus on.

One is to make the language as simple as possible and the second is to exhibit caution when quoting or paraphrasing the existing bylaws.

The commission discussed why paraphrasing the bylaws can be problematic as it may leave room for additional interpretations that may be further away from the intention set by the bylaw text.

Mr. De Witt agreed he would work with Mr. Allen to complete tasks on their list.

The commission discussed using a postcard as a tool to communicate design standards and thresholds outlined in the general guidelines.

Mr. Garver brought the commission's attention to section E1. The commission shared their opinions on the purpose and efficacy of a preamble and the larger implications it may have on the long-term role of the commission. There was a discussion as to whether the preamble gave the commission a role beyond the scope of the bylaw or if it acted as the philosophical operating rules. After extensive discussion, the commission agreed the preamble text was important to consider moving forward and could be an important tool to frame what the commission is. Further, it could also serve as an accessible and simplified way to communicate what the bylaws more formally establish.

It is important to note that the NCD guidelines can vary depending on what individual neighborhoods decide is important within the context of their own neighborhood.

Mr. Garver commented that the main point is that each neighborhood has its own character and can decide what elements get protected.

Based on the commission's discussion, Mr. Bell suggested another revision of the bylaws while taking into consideration the comments from Mr. Buchheit from Town Counsel.

Mr. Garver raised the topic of the commission's role in establishing new districts, citing point 4 in section A2C. The commission discussed chapter 40C and whether the commission wields the power to create a LHD and if so, where that power is derived from.

Mr. De Witt commented that under 40c it is clear that if there is a commission it would act as the study committee. In the case there is no commission, a study committee would be appointed. However, Mr. De Witt noted that if a NCD was proposed to Town Meeting there clearly would be an expectation that, at the very least, the NCDC would have consulted with the neighborhood that it was expected to regulate and would have held a public hearing on the matter so that it could opine to Town Meeting and therefore it seems wholly appropriate to contemplate that in the Rules & Regulations.

There was further discussion over the commission's ability to initiate a new district under 40c. Staff added the bylaw does not say it can establish but that it does not specify.

Mr. Garver commented he would send his suggestions to Mr. De Witt.

- 5. Greater Toxteth Guidelines:** Mr. Bell asked the commission if they wanted to address the Greater Toxteth Guidelines or wait until Mr. Allen returned next month with an update on what he had been working on.

There was general agreement to defer until next month when Mr. Allen was present to discuss his progress.

- 6. New Business/Updates:** The commission and staff had an extensive discussion regarding the Hancock Village Project Eligibility for a Chapter 40B Comprehensive Permit for Puddingstone at Chestnut Hill.

The commission discussed adding in some additional language to the letter that was drafted and needed to be sent out in the morning to the Selectman.

Mr. De Witt suggested that language be included stating that both the Town of Brookline and City of Boston have deemed this property to be National Register Eligible (NPS).

Ms. Koocher noted the NPS could have dismissed their case but have not.

The staff shared an update regarding an appeal sent to the NPS and stated that the NPS has written to Massachusetts Historical Commission (MHC) and that they have 15 days to respond to them in regards to the property being National Register Eligible.

The commission decided to add additional language to the letter.

Mr. Bell moved to add a statement of fact about eligibility as Mr. Chiumenti drafted it, recognizing that the time sensitivity would not allow for any review before submission as well as changing the word annihilate to obliterate, Mr. Garver 2nd and the commission:

VOTED unanimously to change the letter.

6-0 vote

Mr. Bell agreed to sign a letter Staff sent the next day with the changes and additions from Mr. Chiumenti.

The commission discussed recent events in the court system regarding the project. Both Mass Development and Chestnut Realty filed a motion for dismissal and the judge denied both. There is an expectation from the commission this case will move forward.

Mr. Bell moved to adjourn the meeting at 8:20 pm.

Respectfully Submitted,